

# KING & SPALDING

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October 1, 2020

## Via ECF

The Honorable Barbara Moses  
United States Magistrate Judge  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street, Courtroom 20A  
New York, NY 10007

Re: *In re Global Brokerage, Inc. f/k/a FXCM Inc. Securities Litigation*, Master File  
No. 1:17-cv-00916-RA-BCM

Dear Judge Moses:

Pursuant to this Court's August 11, 2020 Order (ECF No. 202), Plaintiffs Shipco Transport Inc., E-Global Trade and Finance Group, Inc., and 683 Capital Partners, LP, and Defendants Global Brokerage, Inc. f/k/a FXCM, Inc., Dror Niv, and William Ahdout submit this joint letter in advance of the evidentiary hearing scheduled for October 15, 2020. The parties were unable to reach an agreement on settlement at the mediation that took place on September 30, 2020.

The Parties agree that the order of witnesses will be first, Dr. Adam Werner, followed by Prof. Terrence Hendershott. The Parties agree that Plaintiffs are limited to two hours of examination time for redirect of Dr. Werner and cross examination of Prof. Hendershott and Defendants are limited to two hours of examination time for cross examination of Dr. Werner and redirect examination of Prof. Hendershott. Further, the Parties agree that the exhibits to be used in these examinations will be limited to those exhibits attached to the previously filed expert reports. To the extent the Parties intend to use during examinations any documents cited, relied upon, or referenced in those expert reports, the Parties will exchange those documents with opposing counsel on October 12, 2020 at 5 p.m. After these two examinations are completed, the Parties will be prepared to present oral argument on the class certification motion. The Parties respectfully request that, prior to examination of the witnesses, Plaintiffs' counsel and Defendants' counsel each will be enabled to provide a brief, five-minute, opening statement to summarize the issues to be considered at the hearing.

In light of the fact that both witnesses are located in California, the Parties agree that they wish to proceed via videoconference. The Parties are considering videoconferencing vendor options and will inform the Court of their technology plan by October 7 through submission of a

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joint letter. With respect to the timing of the hearing, the Parties respectfully request a hearing start time of 11 a.m. or later in order to better accommodate the witnesses' local time zone.

The Parties continue to meet and confer regarding a revised case schedule and will submit a proposed scheduling order by October 7.

Respectfully submitted,

**THE ROSEN LAW FIRM, P.A.**

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